

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

|                           |   |                       |
|---------------------------|---|-----------------------|
| UNITED STATES OF AMERICA, | ) |                       |
|                           | ) |                       |
| Plaintiff,                | ) |                       |
|                           | ) |                       |
| v.                        | ) |                       |
|                           | ) |                       |
| ANWER RAO, et al.,        | ) | No. 4:14CR150 JAR/TCM |
| GREG SLOAN, et al.,       | ) | No. 4:14CR152 RWS/NCC |
| MARK PALMER, et al., and  | ) | No. 4:14CR175 AGF/DDN |
| PAMELA TABATT, et al.,    | ) | No. 4:14CR187 JAR/DDN |
|                           | ) |                       |
| Defendants.               | ) |                       |

**ORDER**  
**CONCERNING PRETRIAL MOTIONS TO DISMISS**

To give the court an opportunity to rule an important pretrial issue of law, with the agreement of Magistrate Judges Thomas C. Mummert and David D. Noce,

**IT IS HEREBY ORDERED** that no later than **March 16, 2015**, any defendant in the above-styled cases (the “Analogue Cases”), seeking a pretrial evidentiary hearing in support of any prospective pretrial motion to dismiss the indictments, or for other relief, must file a motion for leave to support with evidence, including expert opinion evidence. Counsel must file one joint motion in each case and must address any argument that (1) 21 U.S.C. §§ 802 (32)(A) and 813 are unconstitutionally vague because of their use of or reliance on the statutory words “substantially similar”; (2) 21 U.S.C. §§ 802 (32)(A) and 813 are an unconstitutional delegation of authority to the Executive Branch of government; (3) the language of the indictment(s) otherwise fails to allege a violation of federal law; and/or (4) any other argument that challenges the legal sufficiency of the subject indictment(s).

**IT IS FURTHER ORDERED** that not later than **April 13, 2015**, the government must file a response to any such motion; and that not later than **April 20, 2015**, the defendants in any above-styled case may together file a joint reply.

/s/Noelle C. Collins  
**UNITED STATES MAGISTRATE JUDGE**

Dated this 30<sup>th</sup> day of January, 2015.